

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NITROUS FUNDING, LLC,

Plaintiff,

-v-

CARDINAL EQUITY, LLC, WAK ENTERPRISES LLC
d/b/a Recovery of Judgement, ROJ EQUITY, LLC and
TVT CAPITAL LLC,

Defendants.

20 Civ. 2216 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On October 22, 2021, defendants WAK Enterprises LLC, ROJ Equity, LLC, and TVT Capital LLC (“Newly Added Defendants”) filed a motion to dismiss the complaint under Rule 12(b) of the Federal Rules of Civil Procedure. Dkt. 83. Under Rule 15(a)(1)(B), a plaintiff has 21 days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.

Accordingly, it is hereby ORDERED that plaintiff shall file any amended complaint by **November 22, 2021**. No further opportunities to amend will ordinarily be granted. If plaintiff does amend, by **December 14, 2021**, Newly Added Defendants shall: (1) file an answer; (2) file a new motion to dismiss; or (3) submit a letter to the Court, copying plaintiff, stating that they rely on the previously filed motion to dismiss.¹

¹ If Newly Added Defendants file a new motion to dismiss or rely on their previous motion, plaintiff’s opposition will be due 14 days thereafter, and defendants’ reply, if any, will be due seven days after that.

It is further ORDERED that if no amended complaint is filed, plaintiff shall file any opposition to the motion to dismiss by **November 22, 2021**. Newly Added Defendants' reply, if any, shall be filed by **December 14, 2021**.

SO ORDERED.

A handwritten signature in blue ink that reads "Paul A. Engelmayer". The signature is written in a cursive, flowing style.

PAUL A. ENGELMAYER
United States District Judge

Dated: October 26, 2021
New York, New York